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C O N F I D E N T I A L SECTION 01 OF 05 SUVA 000349

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SUBJECT: TENSION IN TONGA; LIGHT IN THE TUNNEL?

REF: SUVA 338

Classified By: Amb. Dinger. Sec. 1.4 (B,D).

Summary

1. (C) Tonga may re-energize stalled political-reform discussions. Parliament has created a tripartite commission to consider specifics, including parliamentary numbers and the date for the next election. Reportedly, the King has agreed to act "only on advice" of an elected government, but some doubt his sincerity and the devil will be in the details. A motivation to re-start reform is a perception that the public mood is again turning ugly, against the King and Prime Minister Sevele. Nobody wants a repeat of last November's riot. In the meantime, cases against riot participants, including prominent People's Representatives, are moving through the courts. A report by human-rights activists documenting post-riot abuses by security forces has gained "no traction" in Tonga or the region. Tonga Government suppression of media coverage of acrimonious parliamentary debate has angered many. The King's plans for reconstructing downtown Nuku'alofa using a Chinese loan include crowd-control themes. The loan is controversial, with charges of favoritism, worries about details, and fears of exchange-rate risk. Reportedly the King has recalled his ambassador to China. Foreign Minister Tu'a complained bitterly that tiny Tonga is going beyond the call of duty to support the U.S. in Iraq, yet the U.S. super power isn't able to provide visa services in Tonga. End summary.

A tripartite commission for political reform

2. (C) During a July 3-8 visit to Tonga that included a ship visit by the USS John Paul Jones with a July 4 reception on board, the Ambassador met with a wide variety of Tongans about political and economic developments. Tonga politics may be reaching a decision point on reform. Parliament agreed on the evening of July 2 to set up a nine-person tripartite committee (3 Cabinet, 3 Nobles, and 3 People's Representatives) to discuss compromises. Parliament then recessed until August 6. By July 6, all three groups had named their teams. Cabinet selected the Deputy Prime Minister, the Attorney General, and the Minister for Youth. People's Reps selected Akilisi Pohiva, Clive Edwards, and Uliti Uata. We have not yet seen the Nobles' names. The tripartite committee was to hold its first meeting July 9 and is to report back ASAP, ideally by Parliament's August 6 re-opening.

Pondering parliamentary numbers

13. (C) The Commonwealth's special emissary to Tonga, New Zealander Sir Douglas Graham, was in Nuku'alofa last week, floating a possible compromise regarding parliamentary numbers and election dates. Per reftel, Tonga's National Committee on Political Reform proposed last year a revised, all-elected parliament of 17 People's Reps and 9 Nobles. PM Sevele counter-proposed 14 People's Reps, 9 Nobles, and 4 or 5 selections by the King. People's Reps then proposed 21 People's Reps and 9 Nobles. Reportedly Sevele's office recently offered a new proposal in writing to People's Reps: 18 People's Reps, 9 Nobles, and 4 King appointees. Graham told us he has suggested the numbers be: 17 or 18 People's Reps, 9 Nobles, and 3 King's appointees. He sees a few expert appointees (AG? Finance?) as useful in a Westminster system. He reportedly received encouraging vibrations from all sides. Graham has urged appointment of a "facilitator" for tripartite discussion and indicated he would be willing to play the role.

Considering election timing

14. (C) On the issue of election timing, the Constitution mandates that an election take place every three years (by early 2008). PM Sevele has urged a delay, given trauma from last November's riot and the need to negotiate constitutional amendments with new parliamentary numbers. Sevele has mentioned 2010 or 2011. Some People's Reps, particularly Clive Edwards, have insisted to this point that the election take place on time. Edwards notes that amending the Tonga Constitution can be done rapidly. All that is required is unanimous agreement by the Cabinet and Privy Council (the Privy Council consists of the Cabinet plus the King) and then

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a majority vote in Parliament. Thus, given current Tonga realities, if the King is on board amendments are easy. Graham told us his instinct is the election should be put off a year or two, to permit careful preparation of constitutional amendments and to create separation from the riot atmosphere. (Note: any postponement of the election will require a constitutional amendment.)

Looming above: the powers of the King

15. (C) Of course the big issue, more than mere numbers, will be the powers of the King. We heard repeatedly that, even before the riot, the King had informed the Privy Council that he is prepared to act entirely "on advice" of an elected government. He reportedly is willing to put that commitment in writing, though he opposes a formal constitutional amendment. Attorney General Taumoepeau told us she has drafted such a "convention" that awaits approval. Details of such a commitment would be important: is it clear the all-elected parliament would select the PM via democratic means? Would the King really forego all independent power? We heard skepticism from several interlocutors who are convinced "the King is instinctively an autocrat." He would expect to find ways to maintain prerogatives. Noble Filakepa, Lord Chamberlain and close to the King, told us that, for any agreement about powers, it will be essential to include the King's brother Crown Prince Tupouto'a Lavaka in the discussion. When Lavaka was PM he clearly had no interest in spurring democratic reform. Filakepa said, "The King's health is not good at all." He suffers from diabetes and heart ailments.

Tripartite posturing and politicking

16. (C) We spoke with all three People's Rep members of the tripartite committee and with two of the three Cabinet representatives. All expressed strong interest in moving beyond the post-riot stalemate. The People's Reps expressed skepticism about the King's willingness to abide by an "on advice" formula; but they expect reform to build eventually unstoppable momentum, so they are willing to seek

compromises. On numbers, Edwards intends to press initially for the People's Reps 21-9 formula (that PM Sevele accepted under duress during the riot), hoping to parlay any retreat from that into a guarantee of 2008 elections under revised numbers. Pohiva and Uata seemed relatively comfortable with something like the Graham compromise, so long as an election would not be unduly delayed. Both said they would initially be in listening mode. Several Cabinet members we spoke with, including Foreign Minister Tu'a who previously had advocated a "go slow" approach, noted the urgency of moving forward on reform ASAP. They appeared ready to find a compromise, and AG Taumoepeau noted a real need to "air issues" collegially. Sevele, not on the committee, was rather grouchy about the potential for a quick solution, though he accepts the need for discussion.

Public mood turning against Government again

17. (C) A likely explanation for sudden Cabinet interest in "moving forward" is a sense that the public mood is increasingly unstable. Several savvy sources, not just People's Reps, told us that public shock from the riot, which initially reduced popularity for the People's Reps who allegedly orchestrated the tragedy, has worn off. People are becoming increasingly frustrated by PM Sevele and the King, who are seen as advocating policies for their personal benefit. A large China loan (see below) is seen as illustrative. Also, the continuing state of emergency chafes on many and creates resentment against security forces. Tonga's economic woes are hitting businesses and the poor very hard. Sevele's efforts to stifle media reporting, including of parliamentary debate, are irritating. And Sevele is seen as attempting to "control everything" utilizing outside consultants, showing a lack of trust in the public service. Several interlocutors suggested Sevele, who is still attempting to cope with large personal losses from the riot, is under great pressure from all sides. Reportedly his health has suffered; asthma attacks are more frequent. Edwards has heard threats that, absent obvious reform, Sevele and/or the King "will be shot" within 6 months. Edwards said he is discouraging such talk, since assassinations "would set back political reform for 20 years."

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Moving ahead on post-riot trials

18. (C) People's Reps have another motive to be flexible. Five, including all three on the tripartite committee, are under indictment on sedition charges related to the riot. Their next court appearance is July 18, when trial dates are to be set. They are nervous, though they profess innocence. They may figure efforts to contribute constructively to a political compromise would factor into more lenient sentences if they are found guilty. (Note. Four of the five are now likely to opt for jury trials, believing the public mood has shifted sufficiently to make their basic instinct to "trust the people" a good bet. Uata expressed confidence that 80% or more of the people are currently supporting the People's Rep reform efforts, including in outer islands. Edwards, who made many enemies while serving as Minister of Police in the past, will rely on trial by judge.)

19. (C) The AG said the initial arrests of over 1000 people on riot offenses has been cut. Some had charges dismissed. Some, especially juveniles, have been diverted to informal punishments. The total number of cases now is around 300, a manageable number. Chief Justice Ford similarly said the justice system, which has a new Aussie judge and plans for one more expat, is in the best shape in recent years to handle its workload. The AG sees only 20-25 cases, including the People's Rep sedition trials, as big ones. The AG said there is "solid evidence" that People's Reps helped plan the riot, "though maybe they intended a smaller version." She said "business troublemakers" were also involved.

No traction for post-riot human rights complaints

¶10. (C) As reported previously, human rights activists in Tonga have complained that security forces engaged in abuses of those arrested after the riot. While activists disavowed an initial report of such abuses, they later issued a revised version that alleged widespread problems. The organizer of the report, Betty Blake, told us police and military officials were given opportunity to comment during preparation of the report but declined to assist. We were told PM Sevele dismissed the report publicly and praised security-services' restraint. Diplomats in Nuku'alofa said the report received "no traction" in Tonga or in the region.

Stifling media coverage of parliament

¶11. (C) The issue of media freedom, on the other hand, has been receiving considerable attention. During the most recent session of Parliament, People's Reps engaged in bitter, personal attacks on PM Sevele and the King, especially during debate on the China loan, which many expect will benefit the PM's and King's business interests. The parliamentary debate was being covered on Radio Tonga, and a Tonga Broadcasting Company (TBC) commentator was delivering frequent summaries on TV news programs. The PM's office complained to TBC, which then shut down reporting from Parliament. The result has been very limited news. Even the "tripartite commission" decision had received no public dissemination by the weekend. People's Reps, who want coverage of their attacks on Sevele, are upset.

Reconstruction plans with a crowd-control twist

¶12. (C) Memories of the November riot and concern about the future public mood are coloring plans for reconstruction of the Nuku'alofa central business district. The King has been working closely with Chinese architects on blueprints which include three-story, flat-roofed buildings extending three blocks along the main street. Reportedly, the flat roofs are intended to facilitate security-force sniper fire if a future riot occurs. The King has also instructed the Tonga Defense Service (TDS) to make plans for a horse-cavalry unit. The obvious aim, beyond the King's love of British-style ceremony, is crowd-control in future emergencies. Foreign Minister (acting Defense Minister) Tu'a and TDS Commander Uta'atu admitted as much. Tu'a has been assigned responsibility to oversee implementation of the Chinese construction project. He said the intention is for TDS manpower to be heavily involved.

Issues with the China loan

¶13. (C) Finance Minister 'Utoikamanu told us the Chinese loan

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totaling some US\$ 55 million is all tied aid. The China Civil Engineering Construction Company (CCECC) will be prime contractor. Tonga hopes CCECC will subcontract elements to Tonga firms, but project design and much of the construction will be Chinese. Tonga businesses will be offered space, with mortgages back to the Tonga Government. Issues are already arising. Those who currently possess the land within the reconstruction zone want a say in what is designed and built. Some don't want three stories. Reportedly only businesses that are "debt free" will be eligible to participate, but many are already burdened by past loans. Some businesses that relocated temporarily from the city center see no reason to return to a high-rent district. A potentially huge issue is foreign-exchange risk. 'Utoikamanu, briefed by the IMF, flagged the danger to Cabinet; but "they weren't interested in hearing it." Sevele and others who desperately need reconstruction money just wanted to plunge ahead.

Recalling the Ambassador to China

¶14. (C) PM Sevele expressed disappointment to us that China had not been as flexible in loan terms as Tonga wanted. Nonetheless, the PM forced approval of the loan through Parliament, after weathering the People's Reps' personal attacks. Another possible indicator of problems with the Chinese: the Lord Chamberlain told us Tonga's Ambassador to China has been unexpectedly recalled, even though most people perceived she had been doing a fine job. Reportedly the King was in "a foul mood" all week. Our request for a meeting was not answered.

Conflicting interests in Shoreline

¶15. (C) Among the charges which People's Reps raised in Parliament was that part of the China loan would be used in the Government's buy-back of the King's Shoreline company, Tonga's electric utility. The King took over Shoreline in a sweetheart deal several years ago when he was out of government. On ascending the throne he immediately announced he would sell off all business assets. The early hope had been a potential New Zealand arms-length buyer, but the riot ended that interest. Now the Sevele Government has agreed to the buy-back. Finance Minister 'Utoikamanu insisted on an independent evaluation of the utility's net value by Deloitte Touche of NZ, since the King as seller and buyer would have an "inherent conflict of interest." 'Utoikamanu couldn't say where Finance would find the money for the eventual payout to the King.

Ministerial anger: visas versus Iraq

¶16. (C) At a dinner hosted by Foreign/Defense Minister Tu'a, conversation was generally cordial. However, twice "visas" came up, and Tu'a lit off. He noted the long-term, close bilateral relationship and Tonga's willingness to assist the United States interests in global security, including by volunteering for new TDS deployments to the Coalition of the Willing in Iraq. Yet, he fumed, the United States forces Tonga citizens to travel all the way to Suva to apply for visas. Either a U.S. embassy/consulate should open in Nuku'alofa, or arrangements should be made for Embassy Suva consular officers to adjudicate visa cases in Tonga. We attempted to explain, as we have many times before, the complications of post-9/11 visa processing and the pilot projects CA is running to see if portable fingerprinting is feasible. But Tu'a was having none of it. (Note/comment: We have had several similar conversations with Sevele. Tonga's PKO efforts certainly deserve our respect. If a suitably portable system can be approved, Embassy Suva stands ready to utilize it for Tonga visa processing, presuming we will have, or can add, any necessary resources to cope with an expected increase in visa applications.)

Comment

¶17. (C) The tripartite commission will only succeed if all elements are ready to discuss and compromise. Until recently, that had not appeared to be the case, and we are still not overconfident about PM Sevele's attitude. However, many others in Tonga are clearly anxious to make political progress. The questions of just what the King means by "acting on advice," and what his brother the Crown Prince would mean by it, are crucial. The plans for "flat roofs"

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and "horse cavalry" make one pause. China's big loan is Tonga's only offer of the kind of capital needed to get major reconstruction under way. Thus it is welcome. But China takes a risk. Many Tongans are already prejudiced against Chinese. The controversial building plans and the swarms of Chinese workers to be involved will likely fuel still more racial resentment. PM Sevele's squelching of the media is troubling. People's Rep Uata has urged the U.S. and others to issue condemnatory public statements. We noted that the U.S. Human Rights Report on Tonga already makes clear our concern about intimidation of the media, and our strong

support for media freedom.
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